



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145)
CEPOA-CO-R
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE: December 13, 2006
EXPIRATION DATE: January 12, 2007
REFERENCE NUMBER: POA-2006-1899-2
WATERWAY: Tongass Narrows

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Ms. Mary Hert, P.O. Box 23130, Ketchikan, AK 99901.

AGENT: Mr. Fred Monrean, P.O. Box 9343, Ketchikan, AK 99901, (907) 247-5920.

LOCATION: The proposed project is located within Section 31, T. 75 S., R. 91 E., Copper River Meridian; Latitude 55.3215° N., Longitude 131.6533° W. (NAD-83), on Gravina Island at the West Channel of Tongass Narrows, near Ketchikan Alaska.

PURPOSE: To provide docking and access from the water to a residential property.

WORK: Construct a ramp, dock, float, and floating breakwater below Mean High Water (MHW) of Tongass Narrows [14.4 feet relative to mean lower low water (mllw) datum 0.0 feet]. The specific project elements would include:

- a 16-foot wide by 20-foot long wood and steel float secured by three (3) 12-inch diameter steel piles;
- a 6-foot wide by 100-foot steel dock secured by three (3) 12-inch steel piles;
- a 5-foot wide by 70-foot long aluminum access ramp; and
- a 3-foot diameter, 80-foot long log breakwater secured with cable to three 6,000 pound concrete block anchors or to two anchors and one rock bolt in the bedrock substrate.

The project would also require the discharge of less than 2 cubic yards of rock that would result from drilling and/or underwater blasting that would be necessary for securing the 12-inch steel piles to the bedrock substrate.

MITIGATION: The applicant has proposed no mitigation efforts to reduce impacts to the aquatic environment.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Tongass Narrows is within the known or historic range of the Steller sea lion (*Eumetopias jubatus*) (eastern stock) and the endangered humpback whale (*Megaptera novaeangliae*). The proposed action would not result in modification of any designated or proposed critical habitat. There are no Steller sea lion rookeries or haul out areas near the project site, and critical habitat is not designated for the humpback whale.

Steller sea lions are not known to occupy the project area, and are not abundant in the project vicinity. The rocky inter-tidal shore at the project site is potentially suitable basking habitat for Steller sea lions, but only during low tide, as there is little exposed rock above HTL. In addition, the area is used for mooring skiffs, and the adjacent upland supports existing residences and other human developments. Consequently, it is preliminarily determined that the project is not likely to adversely affect the Steller sea lion.

Humpback whales may occupy Tongass Narrows from May to December, with peak numbers occurring in August and September. While humpback whales are unlikely to occupy the rocky inter-tidal and near-shore sub-tidal habitat of the immediate project area, the proposed blasting, drilling, and pile driving may affect the species should they occur near the project area when the work takes place. Sound pressure waves from these activities have the potential to result in take, from disturbance and potential direct injury or mortality, to humpback whales. Consequently, it has preliminarily

determined that the proposed action may adversely affect humpback whales should they occupy habitat in proximity to the project site at a time when blasting, drilling, and/or pile driving occur. Conservation measures would be developed in consultation with the National Marine Fisheries Service to ensure that the project would not likely adversely affect this species. Informal consultation with the NMFS is being initiated.

In accordance with the Endangered Species Act of 1973 (87 Stat. 844), this application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. EFH, including Habitat Areas of Particular Concern (HAPC), in the Alaska District are described for species managed under a federal Fishery Management Plans. We have reviewed the National Marine Fisheries Service (NMFS) and North Pacific Fishery Management Council's Final Environmental Impact Statement for Essential Fish Habitat Identification and Conservation in Alaska (April 2006) to locate and identify EFH in the vicinity of the proposed action. We have also reviewed the NMFS Environmental Assessment/Regulatory Impact Review/Regulatory Flexibility Analysis for Amendments 65/65/112/7/8 to the Bering Sea Aleutian Islands Groundfish Fishery Management Plan (#65), Gulf of Alaska Groundfish Fishery Management Plan (#65), Bering Sea Aleutian Islands Crab Fishery Management Plan (#12), Scallop Fishery Management Plan (#7), and the Salmon Fishery Management Plan (#8) and Regulatory Amendments to Provide Habitat Areas of Particular Concern (April 2006) to locate and identify HAPC in the vicinity of the proposed action.

The project is located in an area described as EFH. The project is not located in any HAPC. We have determined that the described activity at the proposed location may adversely affect EFH. The proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans. The proposed work would affect approximately 1,270 square feet of rocky inter-tidal and shallow, near-shore, sub-tidal habitat described as EFH for adult and juvenile salmon and groundfish. These habitats are used by EFH species such as sculpin, rockfish, shark, and pink, coho, and chinook salmon. Permanent habitat loss would result from the proposed six (6) 12-inch diameter steel piling, but the affected area would be very small. Effects to EFH would also result from shading, but this effect is anticipated to be minimal due to the north-south orientation of the proposed structure and the height of the proposed structure over the substrate.

The installation of the steel pilings, i.e., pile driving, drilling, and the proposed in-water blasting for site preparation, would result in disturbance and potential direct injury or mortality to fishes from sound pressure waves. In-water work in this area of Tongass Narrows is typically not permitted from March 15 through June 30, for the protection of juvenile salmon. Adult salmon and adult and juvenile groundfish, however, may occupy the project area at other times of the year. Consequently, it would be necessary to implement conservation measures, such as other timing restrictions, in consultation with the NMFS to ensure that the proposed blasting and other in-water work would not adversely affect EFH species.

This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. If further information is desired concerning this notice, please contact Ms. Robin Leighty at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at robin.l.leighty@poa02.usace.army.mil.

AUTHORITY: This permit will be issued or denied under the following authorities:

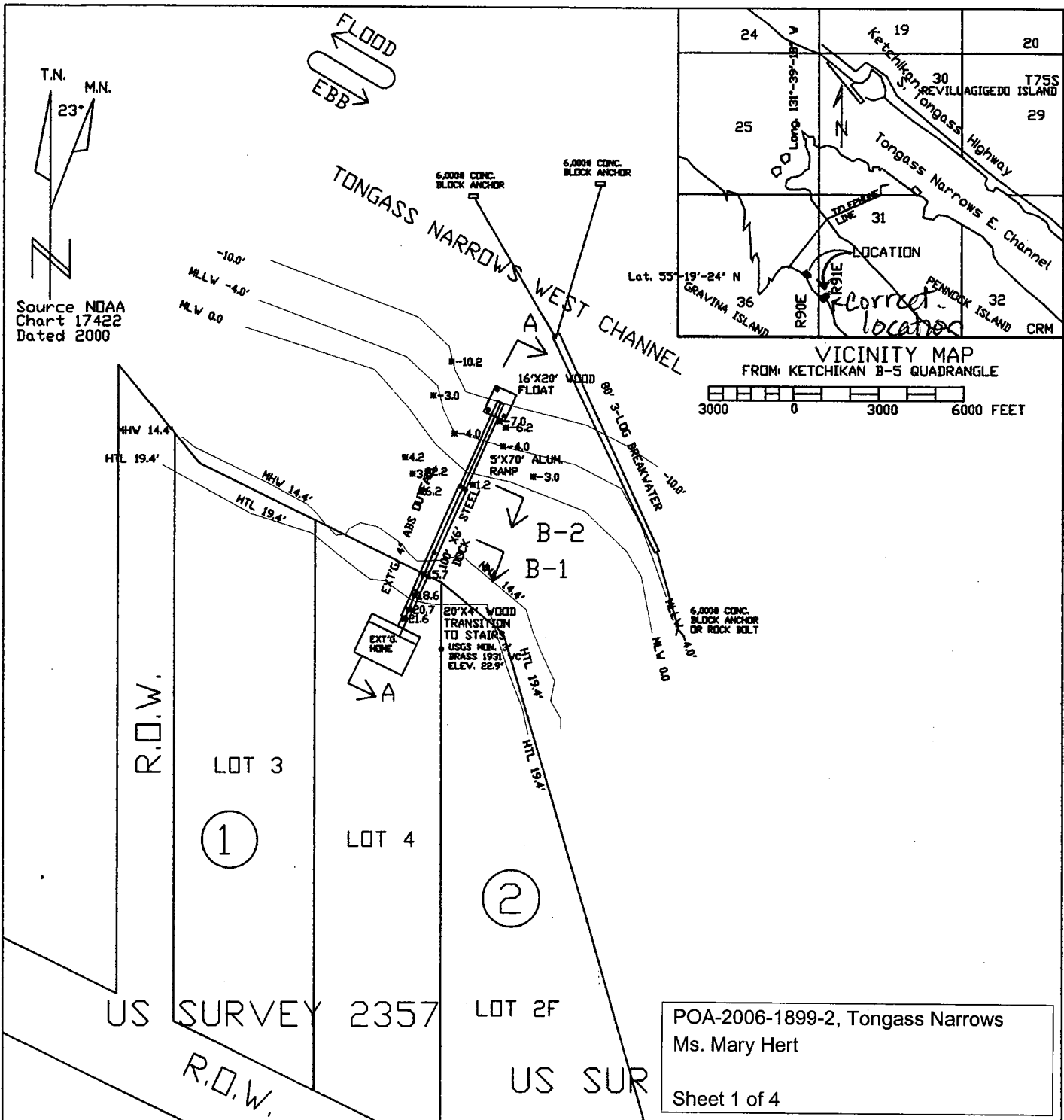
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

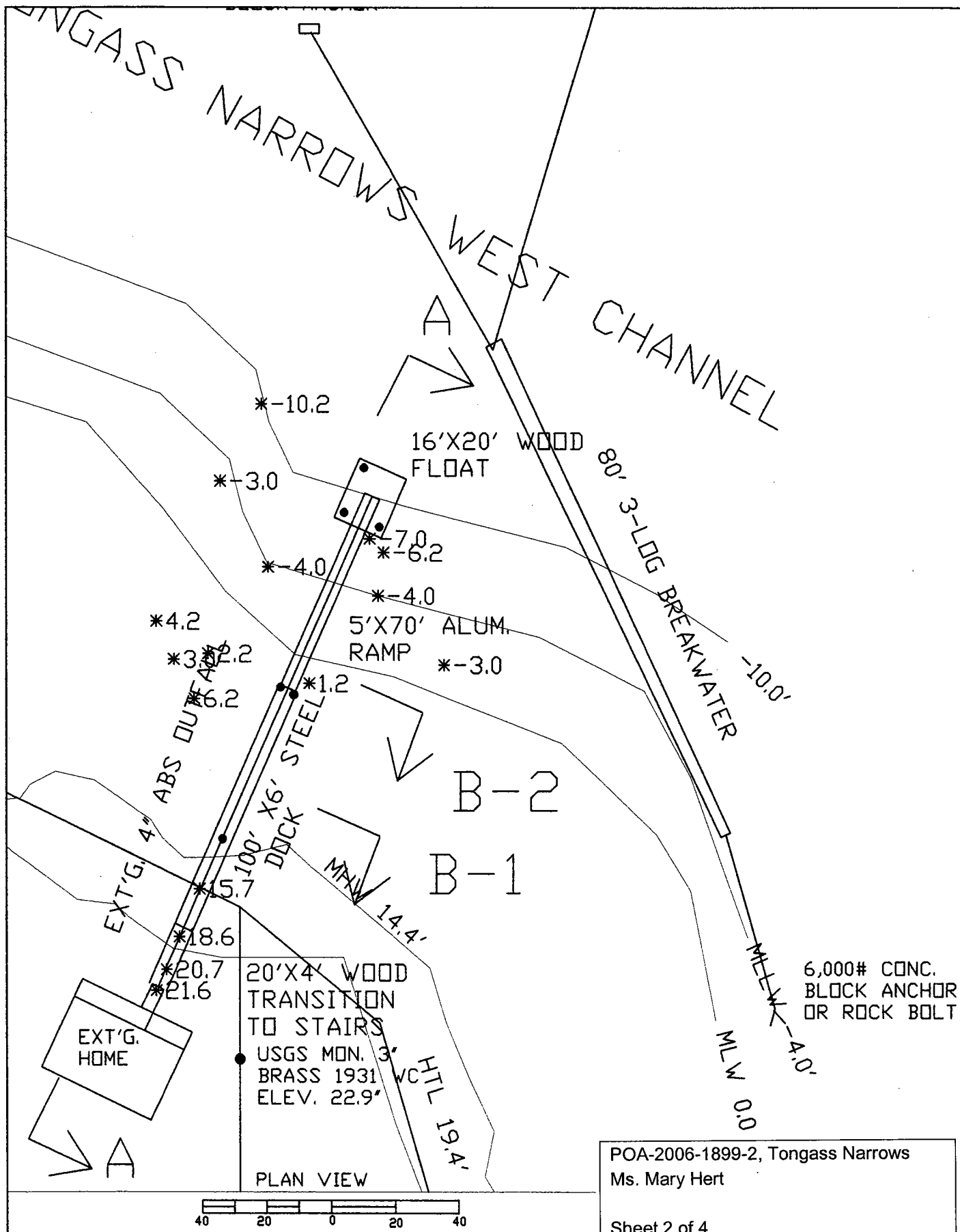
Attachments



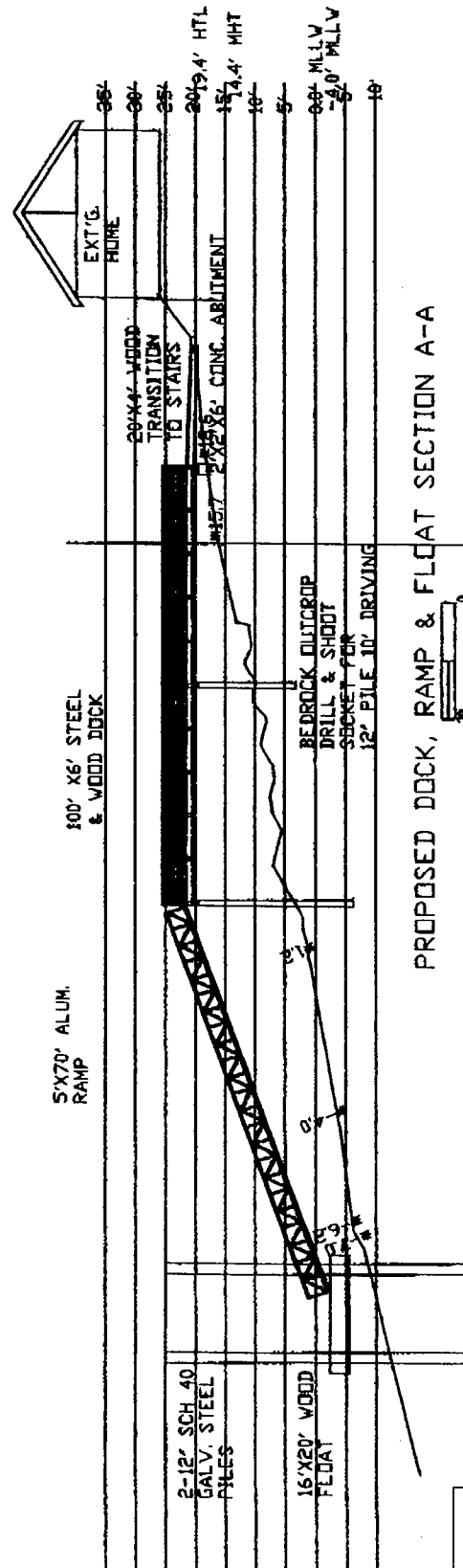
ADJACENT PROPERTY OWNERS:
 1. CHERYLE WOLF
 2. KETCHIKAN GATEWAY BOROUGH

PURPOSE:
 PROVIDE EASIER ACCESS TO
 A PRIVATE RESIDENTIAL HOME

PROPOSED DOCK, RAMP & FLOAT
 IN: TONGASS NARROWS
 WEST CHANNEL
 KETCHIKAN GATEWAY BOROUGH
 APPLICATION BY:
 MARY HERT
 SHEET 1 of 4 DATE 10-18-06



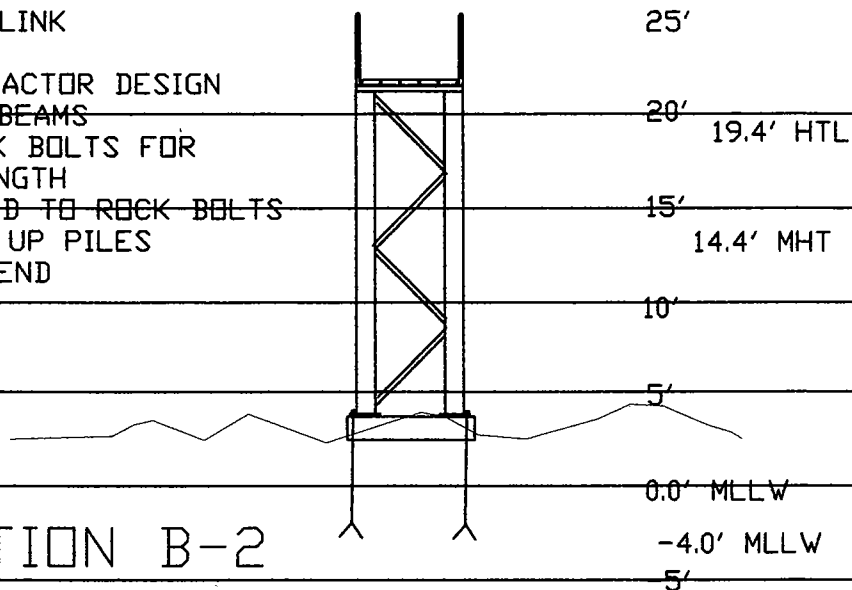
POA-2006-1899-2, Tongass Narrows
 Ms. Mary Hert
 Sheet 2 of 4



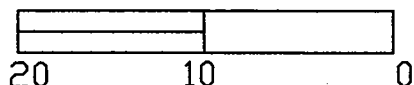
POA-2006-1899-2, Tongass Narrows
Ms. Mary Hert

Sheet 3 of 4

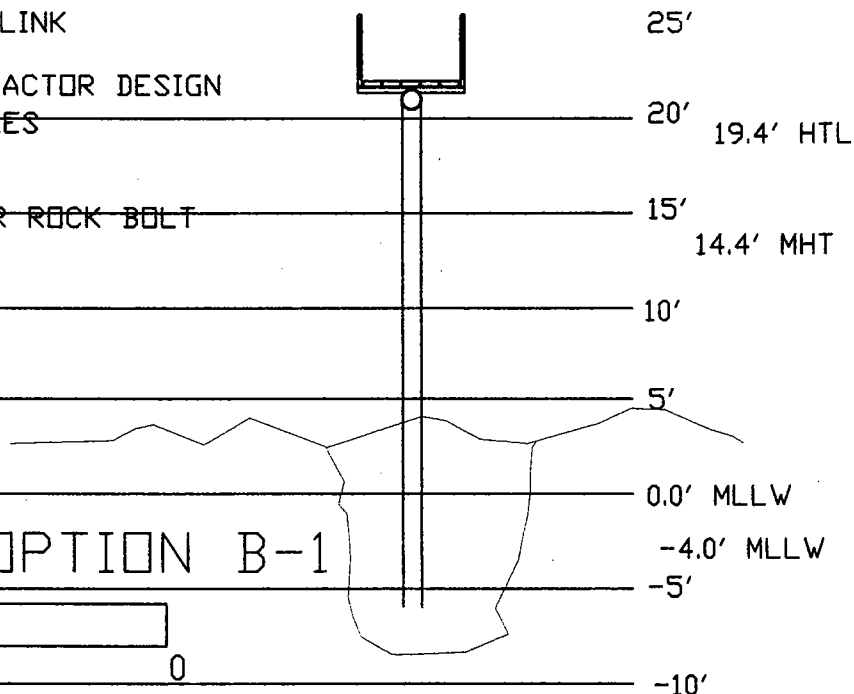
2" PIPE RAIL
 3' GREEN VINYL CHAINLINK
 HOG RING TO PIPES
 USED GANGWAYS CONTRACTOR DESIGN
 BOLT TO ANGLE DECK BEAMS
 DRILL AND PLACE ROCK BOLTS FOR
 20,000 PULL OUT STRENGTH
 12" GALV. PILES BOLTED TO ROCK BOLTS
 CONC. BASE TO LEVEL UP PILES
 2-12" PILES ON RAMP END
 3" PIPE BRACING



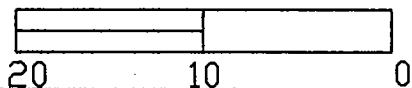
ROCK BOLT OPTION B-2



2" PIPE RAIL
 3' GREEN VINYL CHAINLINK
 HOG RING TO PIPES
 USED GANGWAYS CONTRACTOR DESIGN
 12" X 1/2" WALL PIPE PILES
 DRILL & SHOOT ROCK
 FOR SOCKET DRIVE
 10' INTO SHOT ROCK OR ROCK BOLT



ROCK SOCKET OPTION B-1



STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
302 GOLD STREET, SUITE 202
JUNEAU, ALASKA 99801-1127
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2006-1899-2, Tongass Narrows, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting. For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No.: **POA-2006-1899-2, Tongass Narrows**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274